

ASSEMBLY BILL

No. 276

Introduced by Assembly Member Hueso

February 11, 2013

An act to amend Section 18926.5 of, and to add Sections 18923.5 and 18926.6 to, the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 276, as introduced, Hueso. CalFresh eligibility.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh (formerly the Food Stamp Program), under which nutrition assistance benefits are distributed to eligible individuals by the counties. Existing law establishes eligibility and benefit level requirements for receipt of CalFresh benefits.

This bill would require the state to submit a request to the United States Department of Agriculture, on or before December 31, 2014, to waive the requirement excluding the basic allowance for housing from countable income in the calculation of eligibility and benefit level and would require the waiver to be implemented within 6 months of being granted.

Existing law authorizes counties to participate in the CalFresh Employment and Training Program (CalFresh E&T), established by federal law, and requires participating counties to screen CalFresh work registrants to determine whether they will participate in, or be deferred from, the CalFresh E&T program. Existing law requires deferral for specified groups, including people under 16 and over 60 years of age.

This bill would require participating counties to defer from the CalFresh E&T program a person who is currently serving in the United States Armed Forces or is a veteran who has been honorably discharged from the United States Armed Forces. The bill would require a veteran applying for CalFresh benefits who is required to register to work, but who is exempt from mandatory placement in the CalFresh Employment and Training Program, to be provided with a referral to local veterans assistance and job training agencies and be given the opportunity to participate as a volunteer in CalFresh E&T if the county participates. By requiring counties to offer referral services to veterans, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature in enacting this
2 act to limit barriers to food assistance for low income veteran
3 families and to increase referrals to veteran-oriented job training
4 programs.

5 SEC. 2. Section 18923.5 is added to the Welfare and
6 Institutions Code, to read:

7 18923.5. The state shall submit a request to the United States
8 Department of Agriculture, on or before December 31, 2014, to
9 waive the provisions of Section 273.9(c)(1)(vii) of Title 7 of the
10 Code of Federal Regulations, excluding the basic allowance for
11 housing, per Section 403(a) of Title 7 of the United States Code,
12 from countable income in the calculation of eligibility and benefit
13 level for purposes of CalFresh. The waiver requested under this
14 section shall be implemented within six months from the approval
15 of the waiver.

16 SEC. 3. Section 18926.5 of the Welfare and Institutions Code
17 is amended to read:

18926.5. (a) For the purposes of this chapter, “CalFresh Employment and Training program” or “CalFresh E&T” means the program established under Section 6(d)(4)(B) of the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2015), Section 273.7 of Title 7 of the Code of Federal Regulations, and associated administrative notices published by the United States Department of Agriculture with the purpose of assisting members of CalFresh households in gaining skills, training, work, or experience that will increase their ability to obtain regular employment.

(b) (1) A county that elects to participate in the CalFresh Employment and Training (CalFresh E&T) program, as authorized by the federal Food and Nutrition Act of 2008 (7 U.S.C. Sec. 2015), shall screen CalFresh work registrants to determine whether they will participate in, or be deferred from, the CalFresh E&T program. If deferred, a CalFresh work registrant may request to enroll in the CalFresh E&T program as a voluntary participant. An individual shall be deferred from a mandatory placement in the CalFresh E&T program if he or she satisfies any of the criteria in Sections 273.7 and 273.24 of Title 7 of the Code of Federal Regulations, ~~or~~ if he or she resides in a federally determined work surplus area, *or if he or she is currently serving in the United States Armed Forces or is a veteran who has been honorably discharged from the United States Armed Forces.*

(2) For purposes of this section, “deferred” has the same meaning as exempt.

(c) (1) A county that elects to participate in the CalFresh E&T program shall be required to demonstrate in its CalFresh E&T plan how it is effectively using CalFresh E&T funds for each of the components that the county offers, including, but not limited to, any of the following:

(A) Self-initiated workfare.

(B) Work experience or training.

(C) Education.

(D) Job search.

(E) The support services or client reimbursements needed to participate in subparagraphs (A) to (D), inclusive, as allowed by federal law and guidance.

(2) Nothing in this section shall be construed to require a county to offer a particular component as a part of its CalFresh E&T plan.

1 (d) Nothing in this section shall limit a county's ability to
2 condition the receipt of nonmedical benefits under Section 17000
3 on an individual's participation in an employment and training or
4 workfare program of the county's choice, even if that program is
5 financed in whole or part with CalFresh E&T funds or match funds.

6 (e) Nothing in this section shall restrict the use of federal funds
7 for the financing of CalFresh E&T programs.

8 (f) Nothing in this section shall be construed to require a county
9 to provide for workers' compensation coverage for a CalFresh
10 E&T participant. Notwithstanding Division 4 (commencing with
11 Section 3200) of the Labor Code, a CalFresh E&T participant shall
12 not be an employee for the purposes of workers' compensation
13 coverage and a county shall have no duty to provide workers'
14 compensation coverage for a CalFresh E&T participant.

15 (g) Notwithstanding the rulemaking provisions of the
16 Administrative Procedure Act (Chapter 3.5 (commencing with
17 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
18 Code), the department may implement this section by all-county
19 letters or similar instructions. Thereafter, the department shall
20 adopt regulations to implement this section by October 1, 2013.

21 SEC. 4. Section 18926.6 is added to the Welfare and
22 Institutions Code, to read:

23 18926.6. A veteran applying for CalFresh benefits who is
24 required to register to work, but who is exempt from mandatory
25 placement in the CalFresh Employment and Training Program
26 pursuant to Section 18926.5, shall be provided with a referral to
27 local veterans assistance and job training agencies and be given
28 the opportunity to participate as a volunteer in CalFresh E&T if
29 the county administers that program.

30 SEC. 5. If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to
32 local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.